

REMARKS

The Applicant respectfully requests further examination and reconsideration in view of the above amendments and arguments set forth fully below. Claims 1-53 were previously pending in the instant application. Within the Office Action, Claims 1-53 have been rejected. By way of the above amendments Claims 1, 7, 9, 11, 21, 23, 30, 36, 45 and 51 have been amended and Claim 2 has been canceled. Accordingly, Claims 1 and 3-53 are still pending in this application.

Objection to Specification:

Within the Office Action, the Abstract and the disclosure of this Application have been objected to for a number of informalities. By way of the above amendment, the Abstract and the disclosure of the Present Application have been amended to correct these informalities.

Objection to Claims:

Within the Office Action, Claims 9, 11, 36 and 51 have been objected to for a number of informalities. By way of the above amendment, Claims 9, 11, 36 and 51 have been amended to correct these informalities.

Rejections Under 35 U.S.C. § 102(b)

Within the Office Action, Claims 1-4, 6-8, 15, 17-21 and 24-53 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,898,762 to Ellis et al. (hereafter "Ellis et al."). The rejection of Claims 1-4, 6-8, 15, 17-21 and 24-53 under 35 U.S.C. § 102(e) as being anticipated by Ellis et al. is considered moot in view of the above amendments.

Ellis et al. teach a client-server based architecture that allows a user to select and receive programs from a program guide, referred to by Ellis et al. as "an interactive program guide." The architecture of Ellis et al. allows for the program guide to be modified according a user's viewing history and/or preferences. However, the architecture of Ellis et al. is a client-server based architecture that provides programming selection to a geographically fixed location, such as a television set or other viewing equipment with the proper connections and adaptors. In other words, the user does not select the location to whom the program is transmitted. The architecture of Ellis et al. is physically much like the current cable service systems with interactive

programming, wherein a user pays for the service corresponding to a physical address where the service has been activated and where selected programming is received.

In contrast to the teachings of Ellis et al., the present invention is directed to an architecture that includes a customized scheduling feature for selecting programming to be transmitted to selectable geographic locations, not a fixed geographic location. In operation a user can log into his or her customized account and view a program schedule, modify the program schedule, modify account features, cancel services or choose new services. While logged into the account the user can select one or more programs from the program schedule or a system library and initiate a transmission of the selected program to a selected or identified device. Preferably, the device is selected by providing a logical address corresponding to the receiving device. The receiving device can be in any geographical location. In accordance with further embodiments of the invention the user can select or identify multiple devices at multiple geographical locations to receive a program transmission. These features are neither taught nor suggested by Ellis et al.

By way of the above amendment, each of the independent Claims 1, 21, 30, 36, 45 and 51 has been amended to recite using a logical address to select or identify a receiving device or receiving location. Accordingly, Applicant contends that each of the independent Claims 1, 21, 30, 36, 45 and 51 are now allowable over the teachings of Ellis et al.

Claim 2 has been canceled. Claims 3, 4, 6-8, 17- 20 all depend from the independent Claim 1; Claims 24-29 all depend from the independent Claim 21; Claims 31-35 all depend from the independent Claim 30; Claims 37-44 all depend from the independent Claim 36; Claims 46-50 all depend from the independent Claim 45; and Claims 52 and 53 both depend from the independent Claim 51. For the reason described above each of the independent Claims 1, 21, 30, 36, 45 and 51 are now allowable over the teachings of Ellis et al. Accordingly, Claims 3, 4, 6-8, 17- 20, 24-29, 31-35, 37-44, 46-50, 52 and 53 are also all allowable as depending from allowable base claims.

Rejections Under 35 U.S.C. § 103(a)

Within the Office Action, Claims 9-11, 13 and 14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis et al. in view of Document No. WO 99/35849 to Wugofski; and Claims 5, 22 and 23 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis et al. in view of U.S. Publication No. 2004/0019908 to Williams et al.

Claim 2 has been canceled. Claims 5, 9-11, 13 and 14 all depend from the independent Claim 1, and Claims 22 and 23 both depend from the independent Claim 21. As described above, both of the independent Claims 1 and 21 are allowable over the teaching of Ellis et al. Accordingly, Claims 5, 9-11, 13, 14, 22 and 23 are also all allowable as depending from allowable base claims.

For the reasons given above, the Applicant respectfully submits that Claims 1 and 3-53 are now in condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, the Examiner is encouraged to call the undersigned at (408) 530-9700 to discuss them so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
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CERTIFICATE OF MAILING (37 CFR § 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP.

Date: 11-10-05 By: 